

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

HYDRO-PHOTON, INC.,  
Plaintiff,

v.

MERIDIAN DESIGN, INC.,  
Defendant.

C.A. No. 05-11240 GAO

**DEFENDANT MERIDIAN DESIGN, INC.’S MOTION  
FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT**

Defendant Meridian Design, Inc. (“Meridian”) hereby moves for summary judgment of non-infringement of the patent-in-suit, U.S. Patent No. 6,110,424 (“the ‘424 patent”), pursuant to Fed. R. Civ. P. 56. Meridian is entitled to summary judgment of non-infringement since at least one limitation of all of the asserted claims of the ‘424 patent is not present in the accused AquaStar™ and AquaStar Plus!™ products.

In particular, asserted claims 7-10 require a “control means for turning the light source on and off.” Because Meridian’s products do not include features corresponding to this claim limitation, either literally or under the doctrine of equivalents, the accused products can not be found to infringe the ‘424 patent. Thus, summary judgment of non-infringement is proper.

Accordingly, for the reasons set forth in this Motion and as more fully explained in Meridian's accompanying Memorandum, the Court should grant Meridian summary judgment of non-infringement, and dismiss Plaintiff's Complaint.

CERTIFICATE OF CONSULTATION PURSUANT TO L.R. 7.1

I certify that counsel for Meridian Design, Jeffery L. Snow and Peter Midgley, conferred via telephone with Thomas O'Konski, counsel for the plaintiff, on November 9, 2005 in an attempt to resolve or narrow the issues presented by this motion. Unfortunately, the parties were unable to resolve their dispute.

Dated: November 14, 2005

Respectfully submitted,

/s/Christopher Centurelli/s/  
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